

# HOUSE BILL REPORT

## SHB 1650

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### As Amended by the Senate

**Title:** An act relating to citations and infractions.

**Brief Description:** Decriminalizing refusal to sign citations and notices of infractions issued electronically or by mail.

**Sponsors:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Newhouse, Lovick and Rodne; by request of Integrated Justice Information Board).

#### **Brief History:**

##### **Committee Activity:**

Criminal Justice & Corrections: 2/15/05, 2/22/05 [DPS].

##### **Floor Activity:**

Passed House: 2/9/06, 98-0.

Senate Amended.

Passed Senate: 3/3/06, 48-0.

#### **Brief Summary of Substitute Bill**

- Decriminalizes the refusal to sign a notice of infraction or citation if the notice is issued electronically or by mail.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Pearson, Ranking Minority Member.

**Staff:** Kathryn Leathers (786-7114).

#### **Background:**

##### Traffic Infractions and Citations:

When issued a traffic infraction, the person cited must sign the ticket in acknowledgment of his or her receipt of the notice of infraction and as a promise to respond as directed in the notice. A notice of traffic infraction represents a determination that an infraction has been committed. Signing the notice of infraction is not a waiver of the right to contest this

determination. A traffic infraction is a non-criminal offense. Failure to sign a notice of infraction acknowledging receipt of the notice is a gross misdemeanor.

If a law enforcement officer serves a traffic citation and notice to appear on a person who has been arrested for any violation of the traffic laws or regulations punishable as a misdemeanor, the person must give his or her written promise to appear in court by signing the citation as a condition precedent to his or her release. Signing the citation is not an admission of guilt.

*Other Civil Infractions:*

A civil infraction is a non-criminal offense for which imprisonment may not be imposed. Civil infraction notices are required by statute to include a statement which the cited person must sign, stating that he or she promises to respond to the notice of civil infraction in one of the ways allowed by statute. The notices are also required to state that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor.

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**Summary of Substitute Bill:**

Decriminalizes the refusal to sign a notice of infraction or citation if the notice is issued electronically or by mail. Continues to allow law enforcement officers that issue notices of infraction or citation on a paper ticket to require the cited person to sign the notice. If a person refuses to sign the paper notice of infraction or citation, he or she has committed a misdemeanor.

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**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment returns the bill almost to the original House bill. The amendment: Removes the requirement that a person cited for a traffic infraction or other non-traffic civil infraction sign the notice of infraction or citation. The original House bill has identical provisions, whereas the substitute House bill provides that only those notices of infraction or citation issued electronically or by mail need not be signed. Decriminalizes the refusal to sign notices of infraction or citation. The original House bill has identical provisions, and the substitute House bill does not address this issue. Provides that, when arrested for a traffic law violation punishable as a misdemeanor, the requirement that the person sign a notice of written promise to appear in court in order to secure his or her release is removed. The original House bill has identical provisions, and the substitute House bill does not address this issue. Specifies that a person who receives a statement of his or her options and the procedures for responding to a notice of civil infraction, and thereafter fails to exercise one of those options in a timely manner, is guilty of a misdemeanor. The original House bill provides that a person who willfully fails to respond to a notice of civil infraction is guilty of a misdemeanor, and the substitute House bill does not address the issue.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (In support) This bill improves the work flow in the criminal justice community and maximizes the standardization of data and communications technology – all with no associated costs and no mandate to local law enforcement. Traffic records are key to everything related to traffic safety. E-tickets are critical to getting data into the computer system as soon as possible. Paper tickets slow down the system. The Personal Digital Assistant that accepts electronic signatures are much more expensive than the ones that do not. Savings under this bill are significant because it will save time and money if the data that the patrol officers collect in the field does not need to be entered into the system later by someone else. There is no real need to be concerned regarding the potential for false names being provided to law enforcement when a notice of infraction is issued without requiring that the person being cited sign the notice. First, a person is required to provide the law enforcement officer with an identification (ID) at the time the notice is issued, and officers routinely check to make sure that the person stopped matches the personal information contained on the ID. Second, this issue will only affect a very small percentage of the population. And finally, the state always has the burden of proving identity in order to prove that the infraction was committed.

(Concerns) While e-ticketing is the wave of the future, there is some concern that no longer requiring a person to sign for a notice of infraction will increase the frequency of an innocent person being cited because someone else gave a false name to the officer when cited. The bill is good legislation but should be amended to provide some protection to those who are victims of identity theft.

Small jurisdictions that cannot afford to purchase electronic ticketing machines should be given the option to continue to require a signature on the paper ticket. Being required to sign for the notice of infraction makes people take responsibility and ownership of the infraction.

**Testimony Against:** None.

**Persons Testifying:** (In support) Brian Le Duc, Justice Information Network; Steve Lind, Washington Traffic Safety Commission; Brett Buckley, District and Municipal Court Judges; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

(Concerns) Pam Crone, Washington Defenders Association and Washington Association of Criminal Defense Lawyers; and Tammy Fellin, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** None.